

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon. David A. Faber

**DEFENDANTS' AMENDED NOTICE OF DESIGNATED DEPOSITION
TESTIMONY AND EXHIBITS**

Pursuant to Federal Rule of Civil Procedure 32, Defendants hereby provide the following amended notice that during the pendency of trial proceedings in this matter, Defendants moved for admission and submitted to the Court designated deposition excerpts of certain witnesses in both electronic and hard-copy.¹ The parties previously filed on the docket notices of deposition designations submitted throughout the trial at ECF Nos. 1490 (“Plaintiffs’ submission”) and 1501 (“Defendants’ submission”). This amended notice corrects a clerical error in Defendants’ notice to clarify the record.

¹ See ECF No. 1478 (Trial Witness List).

Defendants' previously filed notice inadvertently omitted the deposition designations that were submitted in Defendants' case for Gilberto Quintero.² These designations are already in the record: the trial transcript reflects their submission, *see* 7/27 Tr. 95:9-20, and the Court docketed a record of receipt of the electronic submission to the Court for that set of deposition designations, *see* ECF No. 1478-2 (showing photocopy of the Court's thumb drive containing Quintero designations). Nonetheless, to ensure a clear record, Defendants hereby submit notice that Defendants moved for admission and submitted to the Court designated deposition excerpts of six witnesses, listed below, in both electronic and hard-copy. Each submission contained designations from Defendants (affirmative, responsive, and completeness designations) and, as applicable, from Plaintiffs (counter, and completeness designations). Also submitted were related exhibits (offered by Plaintiffs and Defendants), and a list of all evidentiary objections made by either party opposing the introduction of any particular designation and/or exhibit.

Name	Title/Affiliation	Deposition Date(s)	Date of Submission
Darren Cox	Supervisory Special Agent/former FBI Coordinator of Huntington Violent Crime & Drug Task Force	7/15/2020	7/27 Tr. 95:9-20
June Howard	Chief/DEA Targeting and Analysis Unit	4/25/2019	7/12 Tr. 165:4-12
Robert Knittle	Executive Director/West Virginia Board of Medicine	8/27/2020	7/27 Tr. 95:9-20
Michael Mapes	Diversion Investigator/DEA	7/11/2019, 7/12/2019	7/27 Tr. 95:9-20
Beth Thompson (30(b)6)	Administrator/Cabell County Commission	7/23/2020, 7/28/2020	7/27 Tr. 95:9-20
Gilberto Quintero	Senior Vice President, Quality and Regulatory Affairs/Cardinal Health, Inc.	12/6/2018	7/27 Tr. 95:9-20

² Plaintiffs submitted in their case a separate set of depositions designations for Gilberto Quintero. *See* Dkt. 1490.

To ensure that the record is clear, Defendants are re-submitting with this Notice the materials previously submitted to the Court related to Mr. Quintero's deposition designations:

- Appendix A, which includes a copy of the transcript that was submitted to the Court for Mr. Quintero. This transcript was submitted to the Court in both hard-copy and electronically, accompanied by a list of corresponding exhibits as well as any evidentiary objections made to the admission of testimony and/or exhibits as well as responses to those objections.
- Appendix B, which includes a list of all exhibits submitted by Defendants in relation to these deposition designations for Mr. Quintero.
- Appendix C, which includes a list of all exhibits submitted by Plaintiffs in relation to these deposition designations for Mr. Quintero.
- Appendix D, which includes a chart showing all objections and replies to objections made to the introduction of those exhibits for Mr. Quintero.

Dated: April 4, 2022

Respectfully Submitted,

CARDINAL HEALTH, INC.

/s/ Steven R. Ruby

Michael W. Carey (WVSB No. 635)
Steven R. Ruby (WVSB No. 10752)
David R. Pogue (WVSB No. 10806)
Raymond S. Franks II (WVSB No. 6523)
CAREY DOUGLAS KESSLER & RUBY PLLC
901 Chase Tower
707 Virginia Street, East
P.O. Box 913
Charleston, WV 25323
Telephone: (304) 345-1234
Facsimile: (304) 342-1105
mwcarey@csdlawfirm.com
sruby@cdkrlaw.com
drpogue@cdkrlaw.com
rsfranks@cdkrlaw.com

/s/ Ashley W. Hardin

Enu Mainigi
F. Lane Heard III
Jennifer G. Wicht
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
lheard@wc.com
jwicht@wc.com
ahardin@wc.com

Counsel for Cardinal Health, Inc.

/s/ Timothy C. Hester

Timothy C. Hester (DC 370707)
Laura Flahive Wu
Andrew P. Stanner
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5324
thester@cov.com
lflahivewu@cov.com
astanner@cov.com

/s/ Paul W. Schmidt

Paul W. Schmidt
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
Tel: (212) 841-1000
pschmidt@cov.com

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)
jwakefield@flahertylegal.com
Jason L. Holliday (WVSB #12749)
jholliday@flahertylegal.com
FLAHERTY SENSABAUGH BONASSO PLLC
P.O. Box. 3843
Charleston, WV 25338-3843
Telephone: (304) 345-0200

Counsel for McKesson Corporation

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)

JACKSON KELLY PLLC

Post Office Box 553

Charleston, WV 25322

Tel: (304) 340-1000

Fax: (304) 340-1050

gcallas@jacksonkelly.com

/s/ Robert A. Nicholas

Robert A. Nicholas

Shannon E. McClure

REED SMITH LLP

Three Logan Square

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Tel: (215) 851-8100

Fax: (215) 851-1420

rnicholas@reedsmith.com

smcclure@reedsmith.com

Counsel for AmerisourceBergen Drug Corporation

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 4th day of April 2022, the foregoing “DEFENDANTS’ AMENDED NOTICE OF DESIGNATED DEPOSITION TESTIMONY AND EXHIBITS” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Steven R. Ruby
Steven R. Ruby (WVSB No. 10752)